

AUG 01 2017

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTYUNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLEKYLE LYDELL CANTY
Plaintiff,Case No. 2:16-CV-01655
RAJ - JPD

VS.

CITY OF SEATTLE, et al
Defendants.PLAINTIFF'S
SECOND MOTION
PURSUANT TO
RULE 5.1 (FRCP)
CONSTITUTIONAL
CHALLENGE TO A
STATUTE - NOTICE,
CERTIFICATION,
AND INTERVENTION
NOTE ON MOTION
CALENDAR
AUGUST 4, 2017COMES NOW, the Plaintiff Kyle Lydell
Canty, In Propria Persona and
of Sui Juris on the 25th day
of the month of July year 2017,

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RULE 5.1 (FRCP)

moves this Court pursuant to Rule 5.1(a),(b) - (FRCP)

I. Statement of facts

Plaintiff Kyle Lydell Canty hereby is filing this Written motion drawing into Question the Constitutionality of a State Statute

The State Statutes that the Plaintiff is drawing into question the Constitutionality are, Superior Court Criminal Rule 3.2.1 CrR- Procedure Following Warrantless Arrest- Preliminary Appearance (a) Probable Cause Determination (b) How Determined and Rule 2.3 CrR- Search AND Seizure (a) Authority to issue Warrant (b) Property or persons which may be seized with a Warrant (c) Issuance and Contents (d) Execution and Return with inventory (e) Motion for Return of Property

II Statement of issues

Defendants King County by Way of Daniel T. Satterberg, and City of Seattle by Way of it's Police officer are intentionally, knowingly, maliciously, and willfully falsifying the "Certifican For Determination of Probable Cause Statement in order to Corroborate the no Probable Cause arrest

Defendants King County by Way of the King County Superior Court Judges knowingly, intentionally, maliciously, and willfully overlook this Corruption to further it's financial gain from the inmate/defendant and also The federal government in the form of federal funding

III Evidence Relied Upon

The Plaintiff is attaching Exhibit L, this Exhibit is another fasified

(Exhibit L Attached)

Certification For Determination of Probable Cause Statement, Which also proves further retaliation by the City of Seattle and it's officers.

The State Statutes themselves is further evidence to this Constitutional Challenge

The Plaintiff Kyle Lydell Canty rely on the pleadings, Court files, State statutes, Superior Court Criminal Rules, and the plaintiff's exhibits herein

IV Legal Argument

The Plaintiff's legal Argument and Question for the Federal Courts and the appropriate attorney general now becomes is it unconstitutional for a innocent Black man to consistently be harassed, assaulted, civilly committed,

have all of his personal property stolen and then destroyed intentionally, thrown in jail, and then sent to prison with now a couple felonies on his record and a D.O.C. number? based upon a knowingly, intentionally, maliciously, and willfully falsified Certification for Determination of Probable Cause Statement and information Charge document.

V. Conclusion

The Plaintiff is in jail yet again for the second time in a row the alleged victims once again are the City of Seattle and its corrupt officers, after the Plaintiff's first case was dismissed with prejudice for the intentional destruction of his cell phone along with all of his personal property, all of the defendants wanted revenge, and the Plaintiff

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RULE 5.1 (FRCP)

once again has found himself back in King County Jail and he has arrived back three weeks after the first case was dismissed with prejudice. The Plaintiff has to question the constitutionality of Rule 3.21 CrR(a), (b) and Rule 2.3 CrR(a), (b), (D), (E)

Prepared by:

2/07/25/2017

Kyle Lydell Canty
BA# 216035994
500 Fifth Ave
Seattle WA 98104

(EXHIBIT L)

CAUSE NO. _____

SEATTLE
POLICE
DEPARTMENT

**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

GENERAL OFFENSE #
2016-458826
UNIT FILE NUMBER
H16-492

That Frank Clark is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 2016-458826;

There is probable cause to believe that Kyle Lydell Canty committed the crime(s) of Assault on a Police Officer x 2 within the City of Seattle, County of King, State of Washington.

This belief is predicated on the following facts and circumstances:

On 12-22-2016, at about 1613 hours, on duty Seattle Police Officers Gordillo and Merritt, in complete police uniform, were attempting to arrest a suspect for Drug Traffic Loitering in the 1600 block of 4th Avenue, City of Seattle County of King, and State of Washington (*Documented in SPD General Offense Report #2016-458812*). The suspect fled on foot, but was caught and arrested in the 200 block of Pike Street. As officers were completing their arrest, they were approached by a person later identified as Kyle Lydell Canty. Canty was not involved in the original incident or associated with the unrelated arrested suspect. The officers were affecting the arrest and search for evidence in a closed alleyway that was clearly marked "No Admittance". Suspect Canty began speaking to the arrested suspect and became aggressive and loud. Canty was instructed not to come into the alleyway and he was warned that he could be arrested for obstruction. Suspect Canty then began yelling words like "fuck you" and "fuck the Seattle Police" towards one of the officers. He also referred to a Seattle Police detective encouraging the officers to tell the detective that "it's on". Suspect Canty challenged SPD Officer Kang to "make a move".

Seattle Police Officer Elizabeth Kennedy had responded to the scene and attempted to de-escalate the situation by calmly talking to suspect Canty. Suspect Canty would not recognize the officer's presence and while standing rigid and tense, continued to challenge officer Kang.

As officers Gordillo and Merritt were attempting to place their arrested suspect into a patrol vehicle, suspect Canty continued to move closer to the officers. Suspect Canty was again instructed to move back. Suspect Canty positioned himself in what appeared to be a fighting stance and told Officer Kang that he was not moving.

Additional back-up officers, Myers and Anderson, arrived on the scene. Officer Myer's took position behind suspect Canty who continued to yell and be verbally aggressive. Suspect Canty was calling officer Kang a "bitch" and challenging him to "bring it". Officer Myers attempted to create a barrier by placing his hands out in front of his body at which time suspect Canty pushed



SEATTLE
POLICE
DEPARTMENT

**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

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and Myers to fall to the ground. Suspect Canty landed on officer Myer's leg, just below the right knee. Suspect Canty continued to struggle and officer Myers heard a "pop" in his leg/ankle region. The injury immediately began to become swollen. Suspect Canty continued to attempt to punch officer Gordillo. Suspect Canty also was able to take hold of officer Gordillo's radio microphone which is attached by a long cord. Other officers were summoned to assist and suspect Canty continued to struggle as he was handcuffed and taken into custody.

Seattle Fire Department Medics responded to the scene to treat officer Myers. Officer Myers was transported to the Ballard Swedish Hospital where he was diagnosed with a fracture of his lower right fibula and an ankle sprain.

Officer Gordillo was treated at the SPD East Precinct for pain to his left elbow. He later developed a significant headache and taken to Harborview Medical Center where it was determined he was suffering from a possible concussion and a posterior vitreous detachment (Eye [retina] injury).

Subsequent criminal records check show that suspect Canty has a similar pattern of conduct including threats to police officers and other criminal justice employees. He has a NCIC entry advising officers he is a Violent Offender and Serious Threat to Law Enforcement Officers. *These incidents have been documented in Seattle Police Reports 2016-219276, 2016-230940, 2016-242554, 2016-244744, and 2016-2778.*

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to best of my knowledge and belief. Signed and dated by me this 27th day of DECEMBER, 2016, at Seattle, Washington.

#5327

Name Kyle Lydell Canty
Bkg. # 216035994
King County Correctional Facility
500 Fifth Avenue
Seattle, WA 98104-2332



AUG 01 2017

SEATTLE
U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE
WA

Legal Mail

Clerk, U.S. District Court
U.S. Courthouse
700 Stewart Street, Suite 2310
Seattle WA 98104

Legal mail

9810124442 0028

Legal mail